



**UNITED STATES DEPARTMENT OF COMMERCE
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Ech

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/692,084	08/08/96	RODRIGUEZ	1199-1-001-C

HM12/0530

DAVID A JACKSON
KLAUBER AND JACKSON
411 HACKENSACK AVENUE
HACKENSACK NJ 07601

EXAMINER

DUFFY, P

ART UNIT	PAPER NUMBER
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1645

28

DATE MAILED: 05/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
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DEA/FCE-1994

08/692,084			
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Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The appeal under 37 CFR 1.191 is dismissed because the fee for filing the brief, as required under 37 CFR 1.17(c) was not submitted or timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.

As a result of this dismissal, the application is ABANDONED since there are no allowed claims.

2. It is noted that the Notice of Appeal was filed pursuant to certificate of mailing on September 16, 1999, correctly sets the date of filing the Notice of Appeal, from the date of the final rejection of March 16, 1999 (Paper No. 22) as was the date of the final rejection set in the Advisory action mailed 10-20-99. Applicant's response was due 7 months from filing the Notice of Appeal, which was April 16, 2000. April 16, 2000 was a Sunday. Accordingly, applicants extension of time and response (request for continuing prosecution application) was due April 17, 2000. The request for a 5 month extension of time and continuing prosecution application were submitted with a certificate of mailing on April 20, 2000 and thus were not timely filed.

3. Applicant's request for five-month extension of time, incorrectly sets the date for the notice of appeal to expire on November 21, 1999. The notice of appeal expired on November 16, 1999.

4. Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1640 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia A. Duffy, Ph.D. whose telephone number is (703) 305-7555. The examiner can normally be reached on Monday-Friday from 6:30 AM to 3:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (703) 308-3995.

Patricia A. Duffy, Ph.D.
May 16, 2000

Patricia A. Duffy
Patricia A. Duffy, Ph.D.
Primary Examiner
Group 1600